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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/511,082	10/14/2004	Pierottavio Canegallo	10231.0007/P007	7191

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Washington, DC 20037

EXAMINER

KHAIRA, NAVNEET K

ART UNIT	PAPER NUMBER
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3754

DATE MAILED: 08/17/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/511,082

Applicant(s)

CANEGALLO, PIEROTTAVIO

Examiner

Navneet Sonia Khaira

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on October 14, 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date. _____  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>10/14/04</u> .  | 6) <input type="checkbox"/> Other: _____                                    |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejection under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-10 are rejected under 35 U.S.C. 102(b) as being anticipated by Werding (US 4,251,032).

Referring to claim 1, Werding discloses a system for extracting, dosing, dispensing with controllable, regular and continuous flows by means of a multi-component device (fig 1) in the absence of pressing, or nebulizing gas, said system generally comprising a tube (1, fig 1), pouch (14), and bottle (35, fig 1), characterized by a hollow thick rigid rod (1) provided with: inlet-outlet holes (fig 6, follow arrow that show flow into inlet holes terminating in outlet holes) for said liquid or cream and with thermosealable terminal means to seal or fit (17, fig 2) with the female-shaped ends (col 12, lines 45-50) of a thermoplastic liquids containing sac on which is shod, an elastomeric balloon (13, fig 13) or vesica.

Referring to claim 2, Werding further discloses characterized in that said rod (1) is provided at its head with a collar (28, fig 2) having annular protrusions (30).

Referring to claim 3, Werding further discloses characterized in that said rod (18, fig 15) has a bottom male top-like end (end of 13, fig 16) to fit in an inversely shaped female cavity in the bottle container (96, clip which sits at bottom of container).

Referring to claim 4, Werding further discloses rod (1, fig 1) is provided with a bulkhead (portion 8) substantially beneath the inlet-outlet defining, within the hollow rod (1A, fig 2), a major blind portion (portion 18, fig 2) between said and the top shaped bottom terminal.

Referring to 5, Warding further discloses a small cylinder (21, fig 2) covered with rings (22A) made of high friction material is movably inserted (shown in fig 1) in said blind portion (18) of the rod (1), whereby if it is depressed for few up-down strokes it would generate heat which would enhance the floatability of the liquids or creams within the sac.

Referring to claims 6 and 8, Werding further discloses the thermoplastic sac (14, fig 1) is provided with a bottom female cavity (portion where 19 points) as seen to accommodate the male top shaped end of the rod (end of 4, fig 13) and with an open mouth (16, fig 2) to fit and seal (with collar 28) on the low softening material of the collar protrusions (31, fig 2).

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Referring to claim 7, Werding further discloses the sac (defined by dotted lines) has an umbrella like structure (fig 13).

Referring to claim 9, Werding further discloses method for the embodiment of the system comprising at least the following steps:

- assembling (shown in fig 2) the hollow rod with a tap and cap (26);
- sealing a thermoplastic sac 14 with sealing means of collar 28 at the upper and lower ends of said rod (col 12, lines 45-49);
- fitting an elastomeric balloon shod on the thermoplastic sac (shown in fig 21);
- inserting in a bottle the assembly of the rod carrying tap and cap, of the thermoplastic sac and of the elastomeric balloon (shown in fig 1); and
- filling the sac (col 3, line 4).

Referring to claim 10, Warding further discloses the steps of providing the hollow rod with:

- (a) a male top-shaped terminal at the bottom (4, fig 1);
- (b) a collar (28, fig 2) having protrusions;
- (c) an upper bulk-head (portion 8, fig 2);
- (d) a movable cylindrical body having high friction annular protrusions (fig 1 shows the movement of body 1);

welding the mouth of an umbrella like sac and fitting said male terminal of the rod to a female cavity in the bottom of said umbrella sac (seen in fig 13);

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inserting the so assembled rod-sac within an elastomeric balloon (fig 21) also provided with a bottom female cavity (fig 1, bottom of 14);

applying a tap(20) and a cap (26) on the rod head (fig 1);

inserting the rod-sac-balloon-tap-cap assembly within a bottle (shown in fig 1),  
and

filling the sac with the liquids, creams, and the like, to be dispensed col 3, lines3-7).

### **Citation of Related Prior Art**

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Mekata (US 6,345,739), Hessel (US 5,120,315), Winer (US 5,232,126), and Winer (US 5,111,971) references also disclose systems for extracting materials from a pouch.

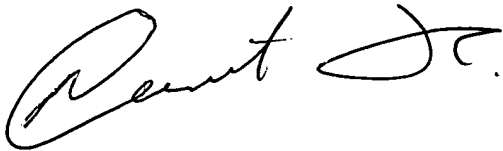
### **Conclusion**

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Navneet Sonia Khaira whose telephone number is 571-272-7142. The examiner can normally be reached on 8:30am-6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mar Y. Michael can be reached on 571-272-4906. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Navneet Sonia Khaira  
Examiner  
Art Unit 3754

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SUPERVISORY PATENT EXAMINER  
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